

JUL-12-05

13:32

FROM-SAWYER LAW GROUP LLP

650-493-4549

T-141 P.018/018 F-280

Attorney Docket 1755P

REMARKS/ARGUMENTS

Claims 1-37 are pending. Claim 28 was amended. Consequently claims 1-37 remain pending.

In response to a telephone call from Examiner Zand on July 11, 2005, applicant is submitting a supplemental amendment to correct a cut-and-paste error to claim 28 that occurred in applicant's previous amendment dated April 15, 2005. More specifically, in claim 28 the last line of the step (f) and the first three lines of step (g) were missing.

Claims 28 has been amended to re-insert the missing passages. No new matter has been added.

This amendment is seen by Applicant as broadening or cosmetic, and as such, is not subject to the prosecution history estoppel imposed by Festo. For the record, Applicant points out that the Supreme Court in Festo noted that a cosmetic amendment would not narrow the patent's scope and thus would not raise the estoppel bar.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,  
SAWYER LAW GROUP LLP

  
\_\_\_\_\_  
Stephen G. Sullivan  
Attorney for Applicant(s)  
Reg. No. 38,329  
(650) 493-4540

July 12, 2005

Date